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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,756

08/21/2003

Kenji Tagawa

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7590

08/02/2004

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

GRIER, LAURA A

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/644,756	<b>Applicant(s)</b> TAGAWA ET AL.	
	<b>Examiner</b> Laura A Grier	<b>Art Unit</b> 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 13-15 and 17** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6636773 in view of Suzuki et al, U. S. Patent No. 6519676.

Regarding **claim 13**, patent-773 discloses in claim 1 a text storage area, which reads on a text storage area, text information, which reads on text information, type information including type(a) – 1 byte, type(b) – 2 byte, and type(c) – 1 byte and 2 byte character code sequences, which reads on type information, and reads on the type information being a first terminated code and second terminated code stored accordingly in storage area as claimed. However, patent-773 fails to disclose the 1 byte character code sequence including pairs of a 1-byte tag, and a plurality of 1 byte character codes, the 1 byte tag indicating a name of an item, and a plurality of 1-byte character codes indicating a content of the item; and the 2 byte character code sequence

including pairs of a 2-byte tag, and a plurality of 2 byte character codes, the 2 byte tag indicating a name of an item, and a plurality of 2-byte character codes indicating a content of the item.

Regarding the information of the 1 byte character code sequence and 2 byte character code sequence, Suzuki et al. (herein Suzuk) discloses a method for reading a cd having cd-text data. Suzuki's disclose teaches the a text group comprising English text language followed by Japanese text language, wherein the block comprising the English text represents 1 byte character code, and the block comprising the Japanese text language represents 2 byte character code, figure 12 indicates type of information provided by the English block, which indicates information of the 1 byte character code sequence as claimed, and the same information would be provided in the Japanese block using double byte character code sequence (col. 6, lines 21-38, col. 7, lines 11-29, and lines 44- col. 8, lines -59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of patent-773 by implementing the information of the 1 byte character code sequence and 2 byte character code sequence for the purpose of conveniently providing the information to the user of the audio device.

Regarding **claim 14**, patent-773 discloses in claim 2 a 1<sup>st</sup> recording device, which reads on a 1<sup>st</sup> recording device, a 2nd recording device, which reads on a 2<sup>nd</sup> recording device, text information, which reads on text information, type information including type(a) – 1 byte, type(b) – 2 byte , and type(c) – 1 byte and 2 byte character code sequences, which reads on type information, and reads on the type information being a first terminated code and second terminated code stored accordingly in storage area as claimed. However, patent-773 fails to disclose the 1 byte character code sequence including pairs of a 1-byte tag, and a plurality of 1

byte character codes, the 1 byte tag indicating a name of an item, and a plurality of 1-byte character codes indicating a content of the item; and the 2 byte character code sequence including pairs of a 2-byte tag, and a plurality of 2 byte character codes, the 2 byte tag indicating a name of an item, and a plurality of 2-byte character codes indicating a content of the item.

Regarding the information of the 1 byte character code sequence and 2 byte character code sequence, Suzuki et al. (herein Suzuk) discloses a method for reading a cd having cd-text data. Suzuki's disclose teaches the a text group comprising English text language followed by Japanese text language, wherein the block comprising the English text represents 1 byte character code, and the block comprising the Japanese text language represents 2 byte character code, figure 12 indicates type of information provided by the English block, which indicates information of the 1 byte character code sequence as claimed, and the same information would be provided in the Japanese block using double byte character code sequence (col. 6, lines 21-38, col. 7, lines 11-29, and lines 44- col. 8, lines -59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of patent-773 by implementing the information of the 1 byte character code sequence and 2 byte character code sequence for the purpose of conveniently providing the information to the user of the audio device.

Regarding **claim 15**, patent-773 discloses in claim 3 a 1<sup>st</sup> recording device, which reads on a 1<sup>st</sup> recording device, a 2<sup>nd</sup> recording device, which reads on a 2<sup>nd</sup> recording device, text information, which reads on text information, type information including type(a) – 1 byte, type(b) – 2 byte , and type(c) – 1 byte and 2 byte character code sequences, which reads on type

information, and reads on the type information being a first terminated code and second terminated code stored accordingly in storage area as claimed, a read-out device, which reads on a read-out device, a control device, which reads on a control device, and reproducing device, which reads on a reproducing device. However, patent-773 fails to disclose the 1 byte character code sequence including pairs of a 1-byte tag, and a plurality of 1 byte character codes, the 1 byte tag indicating a name of an item, and a plurality of 1-byte character codes indicating a content of the item; and the 2 byte character code sequence including pairs of a 2-byte tag, and a plurality of 2 byte character codes, the 2 byte tag indicating a name of an item, and a plurality of 2-byte character codes indicating a content of the item.

Regarding the information of the 1 byte character code sequence and 2 byte character code sequence, Suzuki et al. (herein Suzuk) discloses a method for reading a cd having cd-text data. Suzuki's disclose teaches the a text group comprising English text language followed by Japanese text language, wherein the block comprising the English text represents 1 byte character code, and the block comprising the Japanese text language represents 2 byte character code, figure 12 indicates type of information provided by the English block, which indicates information of the 1 byte character code sequence as claimed, and the same information would be provided in the Japanese block using double byte character code sequence (col. 6, lines 21-38, col. 7, lines 11-29, and lines 44- col. 8, lines -59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of patent-773 by implementing the information of the 1 byte character code sequence and 2 byte character code sequence for the purpose of conveniently providing the information to the user of the audio device.

Regarding **claim 17**, patent-773 discloses in claim 4, text information, which reads on text information, type information including type(a) – 1 byte, type(b) – 2 byte , and type(c) – 1 byte and 2 byte character code sequences, which reads on type information, and reads on the type information being a first terminated code and second terminated code stored accordingly in storage area as claimed, a read-out device, which reads on a read-out device, a control device, which reads on a control device, and reproducing device, which reads on a reproducing device. However, patent-773 fails to disclose the 1 byte character code sequence including pairs of a 1-byte tag, and a plurality of 1 byte character codes, the 1 byte tag indicating a name of an item, and a plurality of 1-byte character codes indicating a content of the item; and the 2 byte character code sequence including pairs of a 2-byte tag, and a plurality of 2 byte character codes, the 2 byte tag indicating a name of an item, and a plurality of 2-byte character codes indicating a content of the item.

Regarding the information of the 1 byte character code sequence and 2 byte character code sequence, Suzuki et al. (herein Suzuk) discloses a method for reading a cd having cd-text data. Suzuki's disclose teaches the a text group comprising English text language followed by Japanese text language, wherein the block comprising the English text represents 1 byte character code, and the block comprising the Japanese text language represents 2 byte character code, figure 12 indicates type of information provided by the English block, which indicates information of the 1 byte character code sequence as claimed, and the same information would be provided in the Japanese block using double byte character code sequence (col. 6, lines 21-38, col. 7, lines 11-29, and lines 44- col. 8, lines –59).



It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of patent-773 by implementing the information of the 1 byte character code sequence and 2 byte character code sequence for the purpose of conveniently providing the information to the user of the audio device.

Claims 16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Art Unit: 2644

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.



Laura A. Grier

July 26, 2004